

AUG 01 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION DEPUTY DAVID J. MALAND, CLERK

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

DANIEL P. CAMPBELL #1137358  
Plaintiff's name and ID Number

"B0" JOHN WALLACE UNIT (TDCJ)  
Place of Confinement

CASE NO: 0:11CV396  
(Clerk will assign the number)

v.

PICK THALER P.O. BOX 99 HUNTSVILLE, TX. 77342-0099  
Defendant's name and address

RALPH BALES P.O. BOX 99 HUNTSVILLE, TX. 77342-0099  
Defendant's name and address

SR. WARDEN CHUCK BISCUE 1391 FM 3328 TENNESSEE COWBOY, TX. 75880  
Defendant's name and address  
(DO NOT USE "ET AL.")

### INSTRUCTIONS - READ CAREFULLY

#### NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

## FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefor. You must also include a six (6) month history of your Inmate Trust Account. You can acquire application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, the monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

## CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "~~NOTICE TO THE COURT OF CHANGE OF ADDRESS~~" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

### I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? YES ☒ NO ☐
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: N/A
  2. Parties to previous lawsuit:  
Plaintiff(s): N/A  
Defendant(s): N/A
  3. Court (If federal, name the district; if state, name the county) N/A
  4. Docket Number: N/A
  5. Name of judge to whom case was assigned: N/A
  6. Disposition: (Was the case dismissed, appealed, still pending?)  
N/A
  7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: "80" JOHN WALLACE UNIT 1675 S. FM 3525 COLDPADO CITY TX. 79512

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO  
Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: DANIEL P. CAMPBELL 1675 S. FM 3525 COLDPADO CITY, TX. 79512

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: RICK THALER DIRECTOR OF TOLT-ID P.O. BOX 99 HUNTSVILLE, TX. 77342-0099  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. AS DIRECTOR HE FAILED TO ENSURE THAT UNIT LEVEL STAFF PROPERLY AND TRUTHFULLY REPORTED AND INVESTIGATED MY REPORT OF SEXUAL ASSAULT WHERE I WAS SEVERELY BEATEN BY THOSE WHO ASSAULTED ME.

Defendant #2: RALPH BALES P.R.E.A. OMBUDSMAN, TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
P.O. BOX 99 HUNTSVILLE, TEXAS 77342-0099

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. AS P.R.E.A. OMBUDSMAN HE FAILED TO PROPERLY INVESTIGATE THE SEXUAL ASSAULT WHERE I WAS ALSO SEVERELY BEATEN BECAUSE OF VICIOUS ACTS OF UNIT LEVEL STAFF WHO EXPOSED ME TO MY ASSAILANTS.

Defendant #3: WARDEN CHUCK BISCOE, SENIOR WARDEN, BETO UNIT, 1391 FM 332B  
TENNESSEE COLONY, TEXAS 75880

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. AS SR. WARDEN HE FAILED TO ENSURE UNIT STAFF CONDUCTED THEMSELVES IN A PROFESSIONAL MANNER AND THAT STAFF SAFE GUARDED THE COMPLAINTS CONCERNS AND REPORTS OF THREATS MADE BY OFFENDERS HE ALSO FAILED TO INVESTIGATE THE SEXUAL ASSAULT THAT OCCURRED ON HIS UNIT AND ENSURE STAFF TRUTHFULLY INVESTIGATED.

Defendant #4: SGT. LUNA, SECURITY THREAT GROUP OFFICER, BETO UNIT, 1391 FM 332B  
TENNESSEE COLONY, TEXAS 75880

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. CONTACTED THE LEADER OF SECURITY THREAT GROUP AKA TANGD BLAST AND INFORMED HIM THAT I MADE A COMPLAINT OF BEING THREATENED BY HIS GROUP WHILE I WAS IN HIS OFFICE SR THAT I WAS FACE TO FACE WITH HIM. AS A RESULT I WAS SEVERELY BEATEN AND A CANE WAS STUCK UP MY RECTUM WHICH CAUSED RECTAL INJURIES.

Defendant #5: OFFICER BUSBY, SAFE PRISONS OFFICER, BETO UNIT, 1391 FM 332B,  
TENNESSEE COLONY, TEXAS 75880

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. COLABORATED WITH SGT. LUNA TO EXPOSE ME TO THE SECURITY THREAT GROUP LEADER WHICH RESULTED IN THE GROUP KNOWN AS "TANGD BLAST" VICIOUSLY ATTACKING ME AND SHOVING A CANE UP MY RECTUM CAUSING INJURIES TO MY RECTUM.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give legal argument or cite any cases or statutes. If you intent to allege a number of related claims, number and forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT. ON JULY 29 2009 I REPORTED TO SGT. OFFICER LUNA, SAFE PRISONS OFFICER BUSBY THAT THE TANGO BLAST HAD THREATENED ME. AFTER THEY LAUGHED AND RIDICULED ME THEY CALLED IN THE LEADER OF THE TANGO BLAST INTO THE OFFICE WHERE I WAS AND TOLD HIM THAT I HAD REPORTED THE THREAT MADE AGAINST ME. SGT. LUNA TOLD THE DEFENDER TO TAKE IT LIGHT ON ME WHEN THEY BEAT ME UP. THEY ALL CONTINUED LAUGHING. I TOLD THEM THAT I WOULD REFUSE HOUSING AND SGT. LUNA TOLD ME THAT I WOULD BE SUBJECTED TO USE OF FORCE "I WILL SPRAY YOUR ASS" AND STILL PUT IN POPULATION. AFTER I WAS SENT TO HOUSING I WAS CONFRONTED BY 3 MEMBERS OF TANGO BLAST AND TAKEN INTO MY CELL. THE 3 GANG MEMBERS VICIOUSLY BEAT AND STOMPED ME. AT SOME POINT THEY PULLED DOWN MY CLOTHES AND UNDERWEAR AND VIOLENTLY SHOVED A WALKING CANE UP MY RECTUM. THE OFFENDERS TOOK MY BLOOD SOAKED CLOTHES MADE ME WASH MYSELF OFF IN THE TOILET AND LEFT AN OFFICER ASSIGNED TO MY HOUSING AREA WAS PASSING OUT LAYING LATER THAT NIGHT AND DISCOVERED ME BEATEN UP. THE OFFICER CALLED RANK AND I WAS TAKEN TO MEDICAL WHERE THEY TREATED MY WOUNDS AND DID A RAPE TEST KIT ON ME.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes. SEEKING COMPENSATORY DAMAGES FOR PAIN AND SUFFERING AND MENTAL ANGUISH IN THE AMOUNT OF \$500,000<sup>00</sup>, AND PUNITIVE DAMAGES FOR THE UNPROFESSIONAL CONDUCT THAT PUT MY LIFE IN DANGER AND CAUSED THE ATTACK IN THE AMOUNT OF \$3,500,000<sup>00</sup>.

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

DANIEL P. CAMPBELL

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

1137358

## VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO
- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)
1. Court that imposed sanctions (If federal, give district and division): \_\_\_\_\_
  2. Case Number: \_\_\_\_\_
  3. Approximate date sanctions were imposed: \_\_\_\_\_
  4. Have the sanctions been lifted or otherwise satisfied? YES NO

(ATTACHMENT PG. 1)

PGH.2 DIRECTOR RICK THALER AS THE DIRECTOR FOR THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE CORRECTIONAL INSTITUTION DIVISION FAILED TO ENSURE THE KEY UNIT LEVEL PERSONNEL WARDENS, SECURITY THREAT GROUP OFFICERS, SAFE PRISON OFFICERS AND PRISON RAPE ELIMINATION ACT (PREA) OMBUDSMAN PERFORMED THEIR DUTIES AS REQUIRED BY THE SAFE PRISONS ACT WITHOUT BIAS RETRIBUTION TOWARD REPORTING OFFENDERS, AND THAT THEY WOULD ACCURATELY REPORT COMPLAINTS OF PHYSICAL AND SEXUAL ASSAULTS AND FOLLOW PROCEDURE TO PROSECUTE THE OFFENDING INMATES AND PROTECT THE ASSAULTED INMATE.

DUE TO THE DIRECTORS FAILURE I WAS TRANSFERRED TO ANOTHER FACILITY AND AGAIN SUBJECTED TO THE VIOLENCE OF THE SECURITY THREAT GROUP 'TANGO BLAST' AS I WAS VICIOUSLY ATTACKED A SECOND TIME BECAUSE STAFF PURPOSELY HOUSED ME WITH A MEMBER OF THAT GROUP AND TOLD THEM ABOUT MY PREVIOUS ASSAULT AND THE CIRCUMSTANCES SURROUNDING IT.

PGH.3 PREA OMBUDSMAN RALPH BALES RESPONSIBLE FOR OVER SEEING THE INVESTIGATION OF ANY COMPLAINT OF SEXUAL ASSAULT AND THE PROSECUTION OF THE ASSAULTING OFFENDERS FAILED TO ENSURE THAT THE STAFF WHICH INVESTIGATED THE INCIDENT DID SO ACCURATELY AND TRUTHFULLY. MR. BALES IGNORED FACTS THAT WOULD DEMONSTRATE THAT THE UNIT LEVEL INVESTIGATION COVERED FOR THE OFFICERS WHO CAUSED THE ATTACK. MR. BALES CLOSED THE INVESTIGATION WITHOUT CONSIDERING THE DAMAGE THAT HAD BEEN DONE TO ME.

PGH.4 SR. WARDEN CHUCK BISCOE THE HIGHEST RANKING SUPERVISOR ON THE UNIT LEVEL DID NOT ENSURE THAT HIS STAFF PROPERLY CONDUCTED THEIR INVESTIGATION WITHOUT BIAS IN SUPPORT OF THE OFFICERS RESPONSIBLE FOR CAUSING THE ATTACK ON ME NOR DID HE ENSURE THAT THOSE RESPONSIBLE WERE HELD ACCOUNTABLE, OR PUNISHED.

- C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning were imposed: \_\_\_\_\_

Executed on: JULY 28, 2011  
(Date)

DANIEL P. CAMPBELL  
(Printed Name)

Daniel P. Campbell  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 28th day of JULY, 20 11  
(Day) (Month) (Year)

DANIEL P. CAMPBELL  
(Printed Name)

Daniel P. Campbell  
(Signature of Plaintiff)

**WARNING:** The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

APR 15 2011



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

## OFFICE USE ONLY

Grievance # 201111770UGT Recd Date: MAR 16 2011HQ Recd Date: MAR 18 2011Date Due: 04-20Grievance Code: 000,014Investigator ID #: EE157

Extension Date: \_\_\_\_\_

Offender Name: Mr Daniel P. Campbell TDCJ # 1137358Unit: George Beto Housing Assignment: XA 22Unit where incident occurred: George Beto

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

*I have repeatedly asked to speak with an outside agency other than TDCJ officials regarding the numerous times my life has been placed in danger, where on 2 occasions I was severely beaten one of those times refused medical attention until 4 days later, and both times were because ranking TDC officers allowed for the assaults to occur. O.I.G. has refused to help me even at the request of Douglas Lowe District Attorney for Anderson Co. out of Palestine, Tx. All of TDCJ has 'conspired' in this Fiasco of situations from the Director/Coordinator on down to regular officers. I have been repeatedly denied my right to sign Disassociation Papers to renounce myself from a gang I used to be affiliated with so TDC can say all of this mess has carried on for choices I made in the past, to try to cover for themselves. Numerous grievances that I have filed have been purposely lost or thrown away that I have filed and a number of them haven't or wasn't taken care of properly like one I filed against a Warden Fox on Briscoe Unit for threatening me for having a "big mouth" and having several "Good Guys" terminated over my worthless self. I have heard "You shouldn't have come to T.D.C." as a cop-out for TDCJ officials a number of times instead of them turning up for their numerous mistakes. - I repeat my LIFE has been repeatedly placed in danger Over & Over & Over again as a result of Gross Negligence on all of TDCJ as a whole. - I have been sent back here to Beto after I was grossly assaulted at the request of Officers Yancy & Luna (07-29-09) to gang members right in the STG office. My Step 1 Grievance was given to another inmate "supposedly on accident" and was read before given back to officer to bring to me later on in the night. It was open*

and tape was torn and i could tell it had been read. i didnt get it at the time mail was passed out. - Another example of officers trying to cross me out - Now word has spread about me and the grievance.

All of this is just the tip of the Ice Berg. There are incidences that one just couldn't believe TDCJ officials would be capable of. I must speak with free-world police officers about what has went on with me while i've been here in TDC and still continues to go on. I must speak to them immediately! TDCJ officials are directly responsible for my safety and have not only flat out refused to help me but have placed me in harms way purposely more than a few times! Please believe me!

Please take my request into Very Serious Consideration.

Offender Signature: Mr. Daniel Campbell

Date: 03-14-2011

**Grievance Response:**

The step 1 response has properly addressed your complaint. The Classification Department reports that you have been recommended for a transfer. You are currently housed in transient status pending State Classification Committee approval. No further action is warranted at this time.

Signature Authority:

Susan Bauer - ARD-Susan Bauer

Date:

4-8-11

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate. \*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY**

**Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

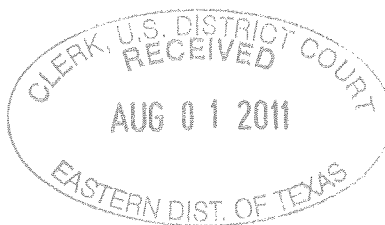


DANIEL P. CAMPBELL #11373578  
"80" JOHN WALLACE UNIT  
1675 S. FM 3525  
COLORADO CITY TEXAS 79512

JULY 28, 2011

6:11W396  
MHS/JKH

CLERK OF  
THE U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION  
106 FEDERAL BLDG  
211 W. FERGUSON ST.  
TYLER, TEXAS 75702



RE: 42 USC §1983

DEAR CLERK

SEE ENCLOSED THE ORIGINAL AND ONE COPY  
OF MY FEDERAL 1983 COMPLAINT PLEASE FILE WITH  
THE COURT AND RETURN A COPY TO ME WITH DATE  
AND TIME STAMP OF ITS FILING.

SINCERELY

Daniel Campbell

DANIEL P. CAMPBELL # 1137358

"80" JOHN WALLACE - FNUIT

1675 S. FM. 35 25 2011

COLORADO CITY, TEXAS 79512

JUL 28

CLERK U.S. DISTRICT COURT  
RECEIVED  
AUG 1 1 2011  
EASTERN DIST. OF TEXAS

CLERK OF

THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TYLER DIVISION

106 FEDERAL BUILDING

211 W. FERGUSON ST

TYLER, TEXAS 75702

(LEGAL MAIL)

